

JUDGE KOELTL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA :

INFORMATION

- v. :

08 Cr.

JOSE VIDAL, :

Defendant. :

08 CRIM 169

- - - - - x

FILED
FEB 29 2008

COUNT ONE

The United States Attorney charges:

1. From in or about September 2007, through in or about October, 2007, in the Southern District of New York and elsewhere, JOSE VIDAL, the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that JOSE VIDAL, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 5 kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Sections 812, 841(a)(1), and 841(b)(1)(A) of Title 21, United States Code.

OVERT ACTS

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others,

was committed in the Southern District of New York:

a. On or about September 11, 2007, JOSE VIDAL, the defendant, possessed narcotics proceeds in the Bronx, New York.

(Title 21, United States Code, Section 846.)

Forfeiture Allegation

4. As a result of committing the controlled substance offense alleged in Count One of this Information, JOSE VIDAL, the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds VIDAL obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One and of this Information, including a sum of money representing the amount of proceeds obtained as a result of the offense alleged in Count One of this Information.

Substitute Asset Provision

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;
- (c) has been placed beyond the jurisdiction of

the Court;

(d) has been substantially diminished in value;


or

(e) has been commingled with other property which

cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846 and 853.)


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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(21 U.S.C. § 846.)

MICHAEL J. GARCIA
United States Attorney.

2/29/2008 FILED WAIVER OF INDICTMENT AND INFORMATION. DEFF ARRIGNED ON INFORMATION.
DEFF PRES W/ATTY HARRY RIMM. AVSA JEFFREY BROWN, REPORTER FOR STANLEY.
SPANISH INTERPRETER NANCY FESFINGER. DEFF ENTERS PLEA OF GUILTY
TO ONE - COUNT INFORMATION. SENTENCE DATE 5/30/2008 AT 9:30AM.
PSI ORDERED.